



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 5426-00
12 October 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that your uncharacterized entry level separation (ELS) was proper. In this regard, it noted that an ELS will be issued in those cases, such as your's, where separation processing is initiated prior to completion of 180 days of continuous active service. The fact that a service member ultimately completes more than six months of service is immaterial. The Board concluded you were not entitled to a "medical discharge", because you were not unfit to perform the duties of your office, grade, rank or rating by reason of physical disability at the time of your discharge. Receipt of a disability rating from the Department of Veterans Affairs is not tantamount to a finding of unfitness for military service, and does not demonstrate that a discharge without entitlement to disability benefits administered by the service department is erroneous. The Board declined to correct your record to show that you were promoted to private first class effective 1 April 1999 because you were not eligible for promotion on that date, and the promotion warrant you received following your discharge was apparently issued in error. In this regard, it noted that the recommendation for your separation from the Marine Corps was forwarded to the discharge authority prior to 1 April 1999, which disqualified you from promotion. In addition, it noted that a Marine cannot be

cannot be promoted unless his commanding officer determines that the Marine can be expected to assume the responsibilities and perform the duties of the higher grade in a creditable and satisfactory manner. Your record indicates that you could not be expected to perform creditably. The Board also concluded that you were fortunate not to have been processed for a discharge by reason of fraudulent enlistment, given your concealment of a pre-service suicide attempt and associated counseling in order to facilitate your enlistment.

In view of the following, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director